

REMARKS

As an initial matter, please find enclosed herewith a REVOCATION AND NEW POWER OF ATTORNEY. Please direct all future correspondence accordingly. Please also note the new Attorney Docket No. 4304.MVAN.NP.

The Final Office Action mailed, March 18, 2008, has been received and reviewed. As of the March 18, 2008 Office Action, Claims 13-14, 16, 20-23 and 25-36 were pending and presently stand rejected. Applicant herein amends Claims 13, 27, 29, 33, 34 and 36. As of this AMENDMENT C, Claims 13-14, 16, 20-23 and 25-36 are believed to be in condition for allowance and Applicant respectfully requests reconsideration of the application as amended herein.

35 U.S.C. § 112, ¶ 1 Written Description Rejection

The Examiner has rejected Claims 13-14, 16, 20-23 and 25-36 under 35 U.S.C. § 112, ¶ 1 for containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. More specifically, the Examiner asserts the original disclosure does not teach the added limitation "and dividing that amount by the payment frequency" in Claim 13.

Applicant has removed the previously added limitation in Claim 13, mooting the § 112, ¶ 1 rejection of Claims 13-14, 16, 20-23 and 25-36.

Applicant has also amended Claims 27, 29, 33, 34 and 36 to correct obvious grammatical errors.

For this reason, Applicant respectfully requests reconsideration of the 35 U.S.C. § 112, ¶ 1 Written Description Rejection of Claims 13-14, 16, 20-23 and 25-36.

35 U.S.C. § 103(a) Obviousness Rejections

The Supreme Court in *KSR International Co. v. Teleflex Inc.*, reaffirmed the objective analysis for determining obviousness under 35 U.S.C. § 103: "[T]he scope and content of the prior art are . . . determined; differences between the prior art and the claims at issue are . . . ascertained; and the level of ordinary skill in the pertinent art

resolved.” 127 S.Ct. 1727, 1729-30, (U.S. 2007) (quoting *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966)).

M.P.E.P. 706.02(j) sets forth the contents of a Section 103(a) rejection:

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clap*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

Obviousness Rejection Based on U.S. Patent No. 5,358,278 to Ellis in view of “Simple steps can erase debt” by Burns and further in view of “One extra payment can add up” by Howard

The Examiner has rejected Claims 13-14, 16, 20-23, 25 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Burns and further in view of Howard. As noted above, Applicant has amended Claims 27, 29, 33, 34 and 36 to correct obvious grammatical errors.

Applicant has further amended Claim 13 to recite the limitation: “automatically paying the identified debt to pay off first according to the highest numerical ranking of the debt.” Support for this added limitation may be found in the specification at page 1, lines 6-8, page 4, lines 7-8 and 25-32, page 14, lines 31-34, page 15, lines 24-25 and page 18, lines 3-5.

Ellis is a purely manual system for tracking spending and does not include any feature for automatically paying according to a given debt reduction strategy. Howard and Burns disclose debt reduction strategies but also do not include a vehicle for automatically paying according to a given debt reduction strategy. Chancey et al. discloses automated gathering and categorization of financial transactions. Chancey et al. further discloses that a user may be prompted to pay the bill using “various payment options, such as the bank accounts from which the user may pay the bill; whether the check is hand written, generated by the financial management program or electronic; and the amount of the bill to be paid. Payment is then automatically deducted from a selected bank account.” Col. 5:35-42. However, the payment feature must be manually configured by the user of the Chancey et al. system and is not “automatically

paying the identified debt to pay off first according to the highest numerical ranking of the debt” as recited in amended Claim 13.

This fully integrated payment feature recited in amended Claim 13 is not disclosed or suggested in the prior art as applied in the rejection. This feature is an important distinction of the present invention and highlights a shortcoming of the prior art, because the prior art systems leave actual implementation of debt reduction strategies to the manual discretion of the user. Paper or manual implementation of the debt management system disclosed in Ellis, Burns and Howard becomes too cumbersome if there is a significant number of “plurality of debts”. The only prior art reference of record that teaches computer automation is Chancey et al. But, Chancey et al. only discloses automated retrieval of transaction information and categorization of same. There is no teaching of any debt reduction strategy in Chancey et al., let alone automatic execution of that debt reduction strategy. Whereas, the method recited in amended Claim 13 automatically implements the recited debt reduction strategy by “automatically paying the debt to pay off first”.

Claims 14, 16, 20-23, 25 and 27 depend directly or indirectly from amended Claim 13. For all of these reasons, Applicant asserts that Claims 13-14, 16, 20-23, 25 and 27 are nonobvious over the asserted combination of Ellis in view of Burns and further in view of Howard. Applicant respectfully requests reconsideration of the obviousness rejection based on Ellis in view of Burns and further in view of Howard.

Obviousness Rejection Based on U.S. Patent No. 5,358,278 to Ellis in view of “Simple steps can erase debt” by Burns and further in view of “One extra payment can add up” by Howard as applied to claim 13 and further in view of U.S. Patent No. 5,842,185 to Chancey et al.

The Examiner has rejected Claims 28-36 under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Burns and in further in view of Howard and further in view of Chancey et al.

As the Examiner correctly acknowledges, neither Ellis, nor Burns nor Howard disclose the financial data received from a financial data clearinghouse and categorized without user input. The Examiner correctly further states that Chancey et al. discloses data received from a financial data clearinghouse that is categorized without user input.

Claims 28-36 depend, directly or indirectly, from amended Claim 13. As noted above, Claim 13 has been amended herein to recite the added limitation: "automatically paying the identified debt to pay off first according to the highest numerical ranking of the debt." As noted above, Applicant asserts that this added limitation in amended Claim 13 is not disclosed or suggested in the prior art of record.

For these reasons, Applicant asserts that Claims 28-36 are nonobvious over Ellis in view of Burns and in further in view of Howard and further in view of Chancey et al. Applicant respectfully requests reconsideration of the obviousness rejection of Claims 28-36 based on Ellis in view of Burns and in further in view of Howard and further in view of Chancey et al.

ENTRY OF AMENDMENTS

The amendments to Claim 13 above should be entered by the Examiner because the added limitation is supported by the as-filed specification, namely at page 1, lines 6-8, page 4, lines 25-32, page 14, lines 31-34 and page 18, lines 3-5. The amendments to Claims 27, 29, 33, 34 and 36 are purely grammatical in nature and simply correct obviously unintended errors. Furthermore, the amendments do not add any new matter to the application.

CONCLUSION

Claims 13-14, 16, 20-23 and 25-36 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicants' undersigned attorney.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

Respectfully Submitted,



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Enclosure: REVOCATION AND NEW POWER OF ATTORNEY